

#10 pgs 11/20/02

RCE/3634

#

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Box RCE

Commissioner for Patents  
Washington, D.C. 20231

Application No.	09/757,255
Filing Date	January 9, 2001
First Named Inventor	Spann
Group Art Unit	3634
Examiner Name	J.E. Novosad
Attorney Docket No.	RNS-001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

## NOTES

**RCE v. CPA:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**FEE AND SUBMISSION REQUIRED:** A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114(c)).

**RCE APPLIES TO:** An application in which prosecution is closed (see 37 C.F.R. § 1.114(b)).

**RCE DOES NOT APPLY TO:** (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

## 1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_.
- c. ☒ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☐ Information Disclosure Statement (IDS) enclosed.
  - i. ☐ PTO-1449
  - ii. ☐ Copies of IDS Citations
- f. ☐ Other \_\_\_\_\_

11/14/2002 SLUW61 00000054 09757255

01 FC:2801	370.00 OP
02 FC:2202	171.00 OP
03 FC:2201	42.00 OP

## 2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Small entity status
  - i. ☒ was established in the prior nonprovisional application.
  - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for \_\_\_\_ months up to and including \_\_\_\_ is enclosed herewith.
- c. ☒ A check in the amount of \$ 583.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ \_\_\_\_, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

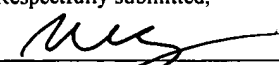
## 3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.

### CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

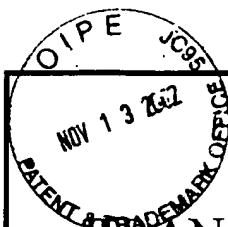
### SIGNATURE BLOCK

Respectfully submitted,  
  
Mark L. Beloborodov  
Attorney for Applicant(s)  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

GROUP 3600

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# TRANSMITTAL FORM

Application Serial Number	09/757,255
Filing Date	January 9, 2001
First Named Inventor	Spann
Group Art Unit	3634
Examiner Name	J. E. Novosad
Attorney Docket No.	RNS-001
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

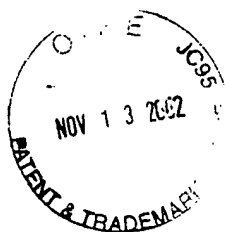
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Amendment and Response <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawings <input checked="" type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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GROUP 3600

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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,  Date: November 4, 2002 Reg. No. 50,773 Tel. No.: (617) 310-8168 Fax No.: (617) 248-7100 Mark L. Belgorodov Attorney for Applicant Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110



PATENT  
Attorney Docket No. RNS-001 (7400/4)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Spann  
SERIAL NO.: 09/757,255 GROUP NO.: 3634  
FILING DATE: January 9, 2001 EXAMINER: J. E. Novosad  
TITLE: Tool Holder

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Box RCE, Commissioner for Patents, Washington, DC 20231 on this 4th day of November 2002.

  
Janine McNamara

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are:

- Transmittal Form (1 page);
- Fee Transmittal (1 page);
- Request for Continued Examination (1 page);
- Preliminary Amendment (15 pages);
- a check for \$583.00; and
- a return receipt postcard.

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GROUP 3600

**FEE TRANSMITTAL**  
**FY 2003**

*Complete if Known*  
Application Serial Number 09/757,255  
Filing Date January 9, 2001  
First Named Inventor Spann  
Group Art Unit 3634  
Examiner Name J.E. Novosad  
Attorney Docket No. RNS-001

RECEIVED  
NOV 19 2002  
3600

**METHOD OF PAYMENT**

Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

**FEE CALCULATION**

**1. FILING FEE**

**Large Entity**

Fee (\$)	Fee Description	Fee Paid
740	Utility filing fee	
330	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims	- 20 =		x \$ 18.00 =	
Independent Claims	- 3 =		x \$ 84.00 =	
<input type="checkbox"/> Multiple Dependent Claim(s), if any \$280.00 =				

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$)

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total 42	- 23 =	19	x \$ 18.00 =	342.00
Indep. 4	- 3 =	1	x \$ 84.00 =	84.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim + \$280.00 =				

TOTAL: (\$ 426.00)

SMALL ENTITY DISCOUNT: (\$ 213.00)

SUBTOTAL (2) (\$ 213.00)

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1440	720	Extension for reply within fourth month	
1960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
740	370	Filing a submission after final rejection (37 CFR 1.129(a))	
740	370	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	

Other fee (Specify) Request for Continued Examination 370.00

SUBTOTAL (3) (\$ 370.00)

SUBTOTAL (1)

SUBTOTAL (2) 213.00

SUBTOTAL (3) 370.00

TOTAL (\$ 583.00)

**CORRESPONDENCE ADDRESS**

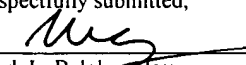
Direct all correspondence to:

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High Street Tower-125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,

Date: November 4, 2002  
Reg. No.: 50,773  
Tel. No.: (617) 248-7453  
Fax No.: (617) 248-7100

  
Mark L. Belorodov  
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